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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/985,725	11/06/2001	Alexander Roger Deas	2402	4330

7590

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RUSSIAN FEDERATION

EXAMINER

BHATTACHARYA, SAM

ART UNIT

PAPER NUMBER

2687

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/985,725

**Applicant(s)**

DEAS ET AL.

**Examiner**

Sam Bhattacharya

**Art Unit**

2687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Kudou (US 6,374,097 B1).

Regarding claims 1, 2, 4, 8, 15, 21, 22, 25, 26 and 28, Kudou discloses a communication system including a driving circuit 12 having a driver with controlled output voltage or current levels (AGC); and a receiving circuit (circuit components 13-19) having at least one channel for receiving main signal, wherein the receiving circuit further provides a feedback to the driver to adjust the parameters, including hysteresis of the driver to the receiver's characteristics (the AGC loop). The feedback reproduces one or more characteristics of the receiver. See FIG. 2, col. 3, lines 59 – col. 4, line 5, and col. 5, lines 26-37.

Regarding claims 3 and 10, Kudou discloses that the reproducing circuit includes an auxiliary receiver, including a signal processor 30 and voltage to current converter 50.

Regarding claim 5, 17 18, Kudou discloses that the receiver's characteristics include the reference voltage via the voltage to current converter 50.

Regarding claim 6, Kudou discloses that the reproducing circuit is used to obtain information on the main receiver.

Regarding claim 7, Kudou discloses that the reproducing circuit includes a ring oscillator circuit, the signal from the ring oscillator being used to adjust the parameters of the driver to the receiver's characteristics. See col. 2, lines 28-35.

Regarding claim 9, Kudou discloses that the auxiliary receiver is used to obtain the terminating voltage and reference voltage. See col. 4, lines 48-52.

Regarding claim 10. A communication system comprising: a driving circuit comprising a driver with controlled output voltage or current levels, and a receiving circuit comprising a main receiver having at least one channel for receiving a main signal, wherein the driving circuit comprises an auxiliary circuit representing characteristics of the main receiver.

Regarding claim 11. The communication system according to claim 10, wherein the auxiliary circuit comprises a copy of the main receiver.

Claim 12 incorporates the limitations of claims 8 and 10, and is rejected for the same reasons as claims 8 and 10.

Claim 13 incorporates the limitations of claims 6 and 10, and is rejected for the same reasons as claims 6 and 10.

Claim 14 incorporates the limitations of claims 9 and 10, and is rejected for the same reasons as claims 9 and 10.

Regarding claim 19, 20 The receiver according to claim 16, wherein the signal is digital or differential analog via the digital signal processor 30. See col. 4, lines 16-32.

Claim 23 incorporates the limitations of claims 9 and 21, and is rejected for the same reasons as claims 9 and 21.

Claim 24 incorporates the limitations of claims 3 and 21, and is rejected for the same reasons as claims 3 and 21.

Claim 27 incorporates the limitations of claims 3 and 25, and is rejected for the same reasons as claims 3 and 25.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

Vu et al. (US 6,002,925) disclose a radio frequency transceiver with AGC control and a ring oscillator circuit.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Bhattacharya whose telephone number is (703) 605-1171. The examiner can normally be reached on weekdays 8:30 a.m. to 6:00 p.m., first Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid can be reached on (703) 305-3016. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sb

  
11/29/04  
LESTER G. KINCAID  
PRIMARY EXAMINER